

1                   **THE COURT:** Mr. Anselmo Dominguez, in  
2                   consideration of the factors Congress has mandated under 18  
3                   United States Code, Section 3553, the information from the  
4                   United States Attorney, your attorney and the Probation  
5                   Officer, this court sentences you to 44 months in the  
6                   custody of the United States Attorney General.

7                   The court imposes upon you thereafter a period of  
8                   four years of supervised release.

9                   The court imposes no fine due to your inability to  
10                  pay a fine.

11                  The court imposes the \$100 special assessment  
12                  required by the law.

13                  The special conditions of your supervised release  
14                  are that you submit to the collection of a DNA sample as  
15                  directed by the Probation Office. You refrain from the use  
16                  of a controlled substance and submit to drug testing not to  
17                  exceed 104 tests per year as directed by the Probation  
18                  Office.

19                  That if deported you are to leave the United States  
20                  and not return without the prior permission of the Secretary  
21                  of the Department of Homeland Security.

22                  Let me explain this sentence to you, sir.

23                  This was no mistake. The word "mistake" is used  
24                  here. This was no mistake. You knew what these people were  
25                  doing. You knew what you were doing. You knew the large

1 quantity of drugs that you were involved in. You knew that.

2 Your role was not minimum or minor. If people like  
3 you, otherwise upstanding people, cut the drug dealers  
4 off -- no one is even talking about you dropping a dime on  
5 them but simply said to them I will have nothing to do with  
6 this, their distribution networks would be so much harder  
7 and countless numbers of people would be spared the scourge  
8 of drugs.

9 So this was no mistake. You knowingly involved  
10 yourself in drug dealing.

11 The sentence I have imposed is a fair and a just  
12 sentence having in mind the following criteria.

13 And while I know that the Sentencing Commission  
14 does not look at the actual explanations for sentences, they  
15 only code the judgment and commitment order. If one were to  
16 review the actual transcript of your sentence, sir, they  
17 would see your present counsel arguing so carefully and so  
18 knowledgeably about what you deserve but equally they would  
19 see government counsel herself sensitively balancing the  
20 criteria that Congress has imposed in order to come up with  
21 a just and a fair sentence. And I must candidly compliment  
22 both.

23 Here is why I give you 44 months. Because as near  
24 as I can figure it, and taking into account the other people  
25 with whom you were knowingly involved in a terrible criminal

1 enterprise, and having in mind what sentence was imposed  
2 upon them, this seems an appropriate sentence.

3 And there is one other thing, to be completely  
4 transparent, which I consider to be my duty. Your wife's  
5 son -- now, Mr. Andrews says you adopted him. I don't know  
6 whether it was a formal adoption. But from these letters  
7 and, indeed, from the Presentence Report, I am satisfied  
8 that you have been a good father to all five children. And  
9 I take that into account.

10 And I am struck by the fact that your wife's son  
11 for whom you have been a good father has got his life on the  
12 line for this country in Iraq as a United States Marine.

13 Now, I don't formally count that in calculating  
14 your sentence but I cannot ignore it. And the tragedy here  
15 is you have thrown that all away. Once this four years is  
16 up, they are going to deport you. You will never come back  
17 into this country, this country for which your son is  
18 staking everything.

19 You will get credit for the service of this  
20 sentence from -- is it March 31, 2004 until -- yes,  
21 March 31, 2004 to April 26, 2004 and taken into custody on  
22 June 10, 2005 until the present.

23 You have the right to appeal from any findings or  
24 rulings the court has made against you. Should you appeal  
25 and should your appeal be successful in whole or in part,

1 your case will be remanded to this court and resented  
2 before another judge.

3 That is the sentence of the court. He is remanded  
4 to the custody of the marshals. We will recess.

5 **THE CLERK:** All rise.

6  
7 (WHEREUPON, the proceedings were recessed at 2:40  
8 p.m.)

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